

NOTICES OF SUMMARY RULEMAKING

The Administrative Procedure Act allows an agency to use the summary rulemaking procedure instead of the regular rulemaking procedure for repeals of rules made obsolete by repeal or supersession of an agency's statutory authority or the adoption, amendment, or repeal of rules that repeat verbatim existing statutory authority granted to the agency. An agency initiating summary rulemaking shall file the proposed summary rulemaking with the Governor's Regulatory Review Council and the Secretary of State's Office for publication in the next available issue of the *Register*. The proposed summary rule takes interim effect on the date of publication in the *Register*.

NOTICE OF SUMMARY RULEMAKING

TITLE 17. TRANSPORTATION

CHAPTER 4. DEPARTMENT OF TRANSPORTATION MOTOR VEHICLE DIVISION

PREAMBLE

1. Sections Affected
R17-4-210
- Rulemaking Action
Repeal
2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):
Authorizing statute: A.R.S. § 28-366
Implementing statutes: Repealed
3. The effective date of the summary rules:
August 28, 1998
4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:
Name: Glenn C. Johnson
Address: 4747 N. Seventh Avenue
Phoenix, Arizona 85013-2401
Telephone: (602) 255-7737
Fax: (602) 241-1624
5. An explanation of the rule, including the agency's reasons for initiating the rule:
R-17-4-210 was adopted effective July 30, 1992, in order to implement A.R.S. § 28-1256.01 by setting forth the format for the Declaration of Sale form and establishing a specific fee for each Declaration of Sale form in the amount of \$0.25.
Laws 1993, 5th S.S. Ch. 1 § 21 eff. May 1, 1994, repealed A.R.S. § 28-1256.01 in its entirety, including the implementation authority for R-17-4-210.
The Motor Vehicle Division has not utilized the Declaration of Sale Form since repeal of A.R.S. § 28-1256.01 was repealed.
Since repeal of A.R.S. § 28-1256.01 licensed motor vehicle dealers and financial institutions have not been required to submit a completed Declaration of Sale form at the time of title application for a sold vehicle, and the Declaration of Sale form has not been made available to licensed motor vehicle dealers and financial institutions by the Motor Vehicle Division.
Inclusion of R17-4-210 in the Arizona Administrative Code is not only unnecessary, it is also misleading or potentially misleading by articulating a regulatory burden for which there is no statutory authority and which is no longer enforced by the Motor Vehicle Division.
6. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:
Not applicable.
7. The preliminary summary of the economic, small business and consumer impact:
Not applicable pursuant to A.R.S. § 41-1055(D)(2).
8. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business and consumer impact statement:
Not applicable.
9. The time, place and nature of the proceeding for the adoption, amendment, or repeal of the rule:
No oral proceeding is scheduled for this rulemaking. An oral proceeding may be requested by writing to: Glenn C. Johnson,

Arizona Administrative Register
Notices of Summary Rulemaking

Administrative Law Judge; 4747 North Seventh Avenue, Third Floor, Phoenix, Arizona 85013-2401; or by calling (602) 255-7737; or faxing (602) 241-1624. Written comments about this rulemaking may be submitted to the same address.

10. An explanation of why summary proceedings are justified:

Summary proceedings are justified because the authority of the Department of Transportation to promulgate rules prescribing the format for the Declaration of Sale form, and establishing a specific fee for the form have been repealed.

The Motor Vehicle Division believes that without statutory implementation authority the rule must be repealed.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable.

12. Incorporations by reference and their location in the rules:

Not applicable.

13. The full text of the rules follows:

TITLE 17. TRANSPORTATION

CHAPTER 4. DEPARTMENT OF TRANSPORTATION
MOTOR VEHICLE DIVISION

ARTICLE 2. TITLES AND REGISTRATION

Section

R17-4-210. Declaration of Sale Form; Fee for Form

ARTICLE 2. TITLES AND REGISTRATION

R17-4-210. Declaration of Sale Form; Fee for Form

A. Definitions: Repealed


1. "Declaration of Sale Form" means the Motor Vehicle Division form required by A.R.S. § 28-1256.01.

2. "Users" means those motor vehicle dealers and financial institutions licensed to transact business in Arizona who apply for title and registration on behalf of a buyer.

- B.** The attached Declaration of Sale Form (Appendix A) is adopted as the form required by A.R.S. § 28-1256.01.
C. Fee. Users shall pay a fee of 25¢ per Declaration of Sale Form to the Motor Vehicle Division.
D. The Declaration of Sale Form is available at all Motor Vehicle Division offices statewide.

APPENDIX A

DECLARATION OF SALE FORM

ARIZONA DECLARATION OF SALE	
DEALER/INSTITUTION NAME ADDRESS	
	
PURCHASER ADDRESS	
PURCHASER (Last, First, Middle)	
<div></div>	
ADOT CODE	POLICY PREFERENCE
0004	DECLARATION
DATE OF PURCHASE	VEHICLE MAKE
<div></div>	<div></div>
MODEL YEAR	VIN
<div></div>	<div></div>
NO. <div></div>	
<hr/>	
ARIZONA DECLARATION OF SALE	
INFORMATION IN SHADED AREA MUST BE TYPEWRITTEN OR COMPUTER PRINTED USING 10 PITCH.	
"PURCHASER" SHOULD BE FIRST OWNER LISTED ON REGISTRATION APPLICATION.	
The original of this form must be submitted with applications for title and registration for all vehicles sold by authorized dealers or paperwork processed by a financial institution.	
Failure to submit this form will result in denial of registration.	
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